

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE BEFORE THE  
N/S Green Heather Court, 740' N of  
the c/l of Gardenview Road  
(11 Green Heather Court)  
3rd Election District  
3rd Councilmanic District  
Paul R. Rochlin, et ux  
Petitioners  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-376-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance in which the Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (20' x 40' swimming pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on the plan submitted and marked Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1992 that the Petition for Administrative Variance requesting relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (20' x 40' swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 5/14/92  
By bjs

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

May 6, 1992

(110) 887-1886

Mr. & Mrs. Paul R. Rochlin  
11 Green Heather Court  
Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Green Heather Court, 740' N of the c/l of Gardenview Road  
(11 Green Heather Court)  
3rd Election District - 3rd Councilmanic District  
Paul R. Rochlin, et ux - Petitioners  
Case No. 92-376-A

Dear Mr. & Mrs. Rochlin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

file

#### PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-376-A

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 to permit an accessory structure in the side yard in lieu of the rear yard.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

House built into hill - precipitous drop off in rear of house. Necessary retaining walls would be enormously expensive.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we do solemnly declare and affirm, under the penalty of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Telephone

Address

City

State

Zip Code

Telephone

Address

City

State

Zip Code

Telephone

Legal Owner(s):

Paul R. Rochlin

(Signature)

Joyce T. Rochlin

(Signature)

11 Green Heather Court

Baltimore, Maryland 21208

Telephone

Address

City

State

Zip Code

Telephone

Address

City

State

Zip Code

Telephone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1992, that the subject matter of this petition be advertised as follows: (indicate where and how the public hearing is to be held)

By 5/14/92 DATE 5-20-92

REVIEWED BY 5/14/92 DATE 5-20-92

ESTIMATED POSTING DATE 5-14-92 ESTIMATED CLOSING DATE 5-20-92

ITEM # 392

#### AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalty of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11 Green Heather Court  
Baltimore, Maryland 21208  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Rear of house drops off on severe grade and impossible to build without extreme expense for retaining walls, etc.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Signature of Affiant(s)  
Paul R. Rochlin  
Joyce T. Rochlin

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of March, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Paul R. Rochlin and Joyce T. Rochlin

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3/24/92

NOTARY PUBLIC Kathryn M. Lang

My Commission Expires: August 1, 1993

Beginning at a point on the North side of Green Heather Ct. which is 12' wide at the distance of 740' North of the centerline of the nearest improved street being Gardenview Rd. which is 50' wide. Being Lot #15 in the subdivision of Garden View as recorded in Baltimore County Plat Book #50, Folio 116, containing 4.201 acres + -. Also known as 11 Green Heather Ct. and located in the Third Election District.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd Date of Posting 4-13-92

Posted for: Residential

Petitioner: Paul R. Rochlin, et ux

Location of property: 11 Green Heather Court, 740' N of the c/l of Gardenview Road

Location of Sign: North end of Green Heather Court at entrance road to side yard property

Remarks: None

Posted by: Paul R. Rochlin Date of return: 4-13-92

Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

Account: R-001-6150  
Number

3/30/92

H9200392

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
* 080 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: ROCHLIN

SEE HAND WRITTEN RECEIPT  
DATED 3/30/92

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ITEM 392

ROCHLIN, Paul & Joyce  
11 Green Heather Court

RESIDENTIAL VARIANCE

Account: R-001-6150  
Number

3/30/92

H9200392

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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

April 30, 1992

(410) 887-3353

Mr. & Mrs. Paul R. Rochlin  
11 Green Heather Court  
Baltimore, MD 21208

RE: Item No. 392, Case No. 92-376-A  
Petitioner: Paul R. Rochlin, et ux  
Petition for Administrative Variance

Dear Mr. & Mrs. Rochlin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this  
19th day of April, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Rehears Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Paul R. Rochlin, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: April 14, 1992  
TO: Arnold Jablon, Director  
Zoning Administration & Development Management  
FROM: Ervin McDaniel, Chief  
Development Review Section  
Office of Planning and Zoning  
SUBJECT: PETITIONS FROM ZONING  
ADVISORY COMMITTEE - APRIL 13, 1992

The Office of Planning and Zoning has no comments on the  
following petitions:

Paul R. Rochlin	-	Item No. 392
Ronald W. Chapman	-	Item No. 394
Rose L. Mroy	-	Item No. 396
Rose L. Mroy	-	Item No. 397
Charles G. Scherr	-	Item No. 398
Charles G. Scherr	-	Item No. 399
Louis H. Young	-	Item No. 400
Robert L. Jones	-	Item No. 403
S. Edward Hargest	-	Item No. 404
Gary W. Hohne	-	Item No. 406
George F. Nixon	-	Item No. 408
Steven R. Goff	-	Item No. 413

jm  
PETITNS1.ZON

RECEIVED  
APR 21 1992  
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 16, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
FROM: Stephen E. Weber  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 13, 1992

This office has no comments for item numbers 392, 396, 397, 398, 399,  
401, 404, 406, 407, 408, 417 and 418.

*Stephen E. Weber*  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/dm

RECEIVED  
APR 21 1992  
ZONING OFFICE

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500  
Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: PAUL R. ROCHLIN AND JOYCE T. ROCHLIN  
Location: #11 GREEN HEATHER COURT  
Item No.: \*392(RT) Zoning Agenda: APRIL 13, 1992  
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Stephen E. Weber* Noted and  
Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KFK

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
FROM: DIVISION OF GROUND WATER MANAGEMENT  
SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of April 13, 1992  
has been reviewed by the Department of the Environmental Protection and  
Resource Management staff.

There is no comment for the following item numbers:

392  
396  
399  
400  
401  
404  
407  
408  
413  
414  
417

SSF:mp

ZNG.NCS/GWRMP

RECEIVED  
APR 21 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: April 24, 1992  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E.  
SUBJECT: Zoning Advisory Committee Meeting  
for April 15, 1992

The Developers Engineering Division has reviewed  
the zoning items for the subject meeting and we have  
no comments for the following items:

No. 392  
No. 396  
No. 397  
No. 398  
No. 399  
No. 400  
No. 403  
No. 404  
No. 406  
No. 407  
No. 408  
No. 413  
No. 417  
No. 418  
No. 419

RECEIVED  
APR 21 1992  
ZONING OFFICE

111 West Chesapeake Avenue  
Towson, MD 21204

April 10, 1992

(410) 887-3353

Paul and Joyce Rochlin  
11 Green Heather Court  
Baltimore, MD 21208

Re: CASE NUMBER: 92-376-A  
LOCATION: 8/5 Green Heather Court, 740' W of c/l Gardenview Road  
11 Green Heather Court  
3rd Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case  
number. Any contact made with this office should reference the case number. This letter also serves as a  
renewal regarding the administrative process.

1) Your property will be posted on or before April 19, 1992. The closing date is May 4, 1992. The  
closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing  
date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will  
issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the  
matter be set in for a public hearing. You will receive written notification as to whether or not your  
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the  
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.  
Charges related to the reporting and advertising are payable by the petitioner(s).

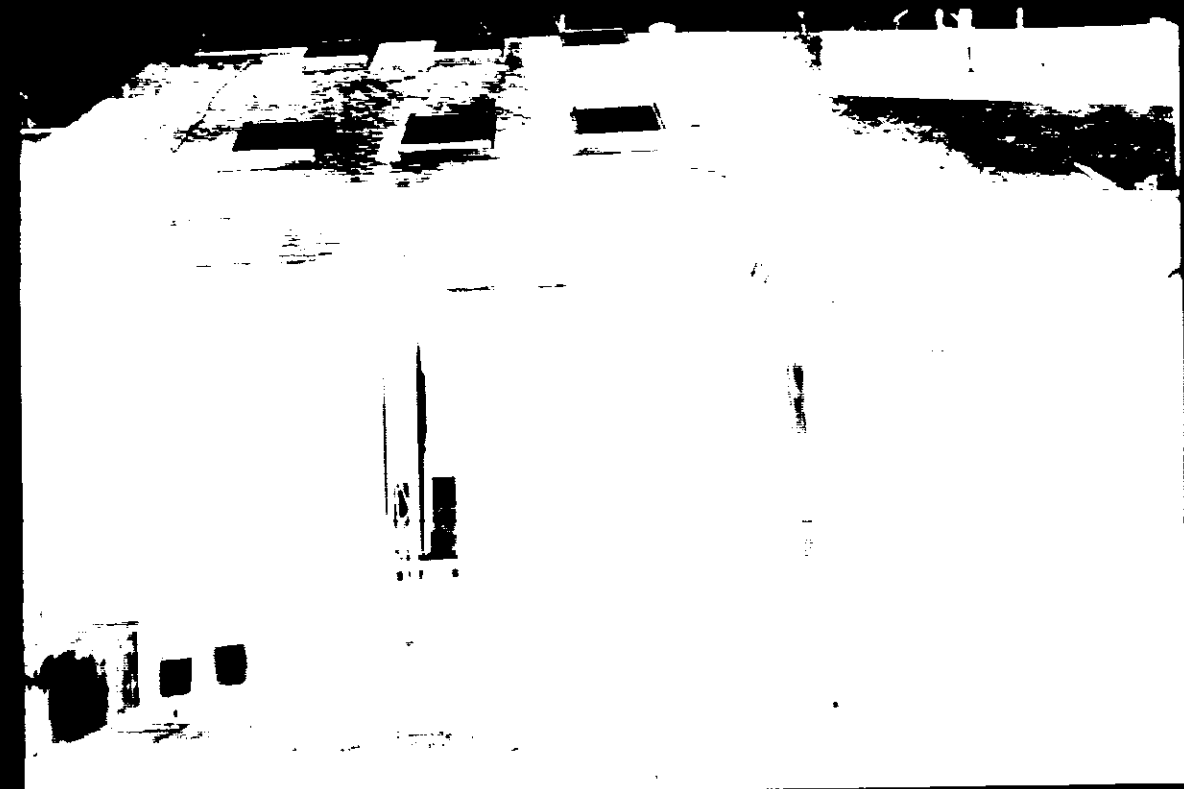
3) Please be advised that you must return the sign and post to this office. They may be returned after  
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE  
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND  
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE  
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR  
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County



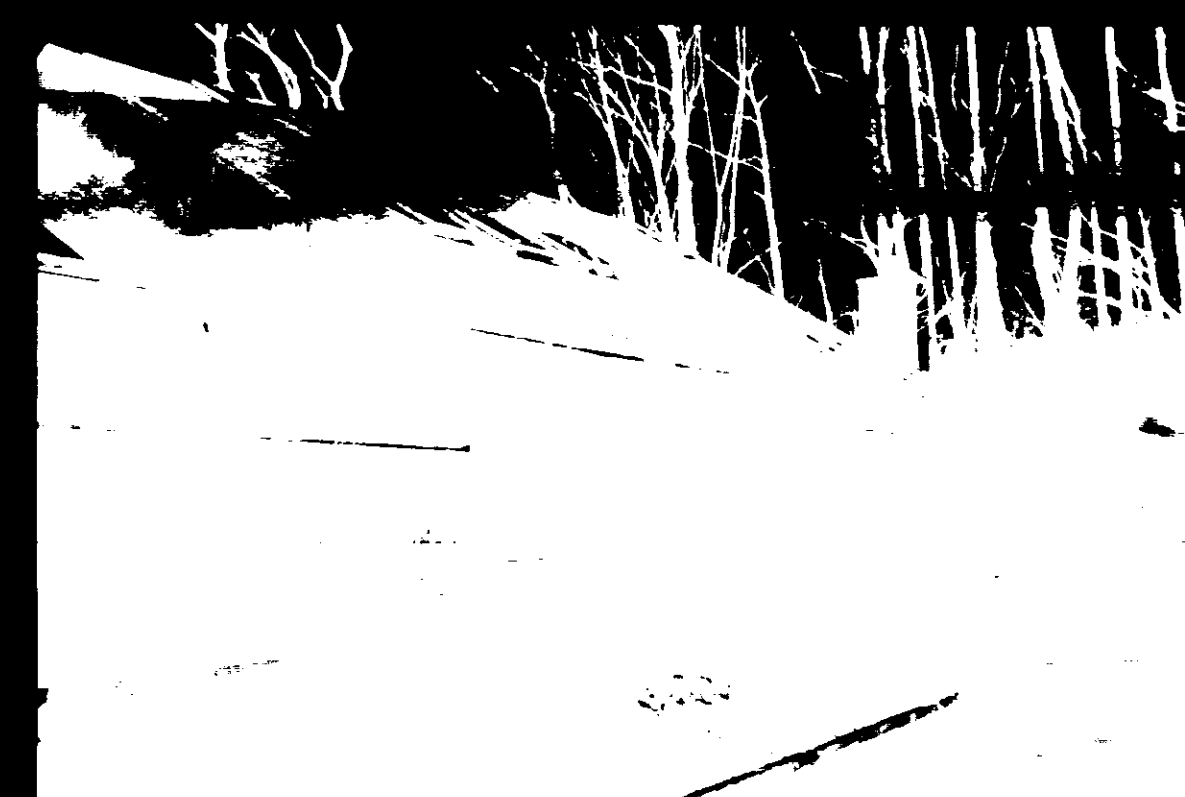
92-376-A



92-376-A



92-376-A



92-376-A



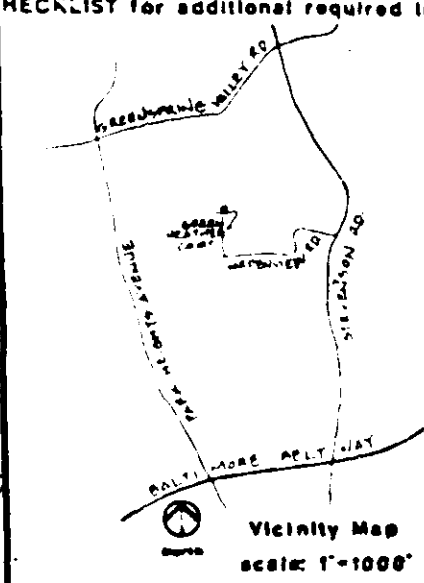
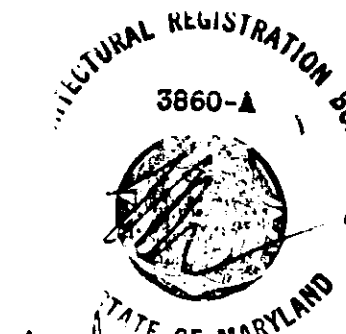
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 11 GREEN HEATHER COURT see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: RESUBDIVISION OF LOT 15, GARDEN VIEW (48-99)

Plat book # 50, folio # 116, lot # 15, section #

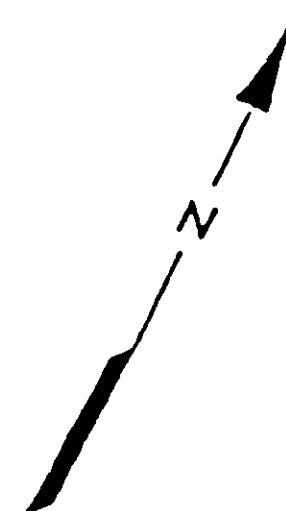
OWNER: PAUL & JOYCE ROCHLIN



Lot Number : 15  
Block/Section : -  
Plat Reference : Book : 50 Page : 116  
Title of Plat : Resubdivision of Lot 15, Garden View (48-99)

**92-376-A**

LOCATION INFORMATION	
Councilmatic District:	5 <sup>th</sup>
Election District:	3RD
1"-200' scale map:	NW 10-E
Zoning:	RC 5
Lot size:	4,201 square feet
Sever:	<input checked="" type="checkbox"/>
Water:	<input checked="" type="checkbox"/>
Chesapeake Bay Critical Area:	<input checked="" type="checkbox"/>
Prior Zoning Hearings:	<input type="checkbox"/>
Zoning Office USE ONLY!	
Reviewed by:	ITEM #:
Case #:	

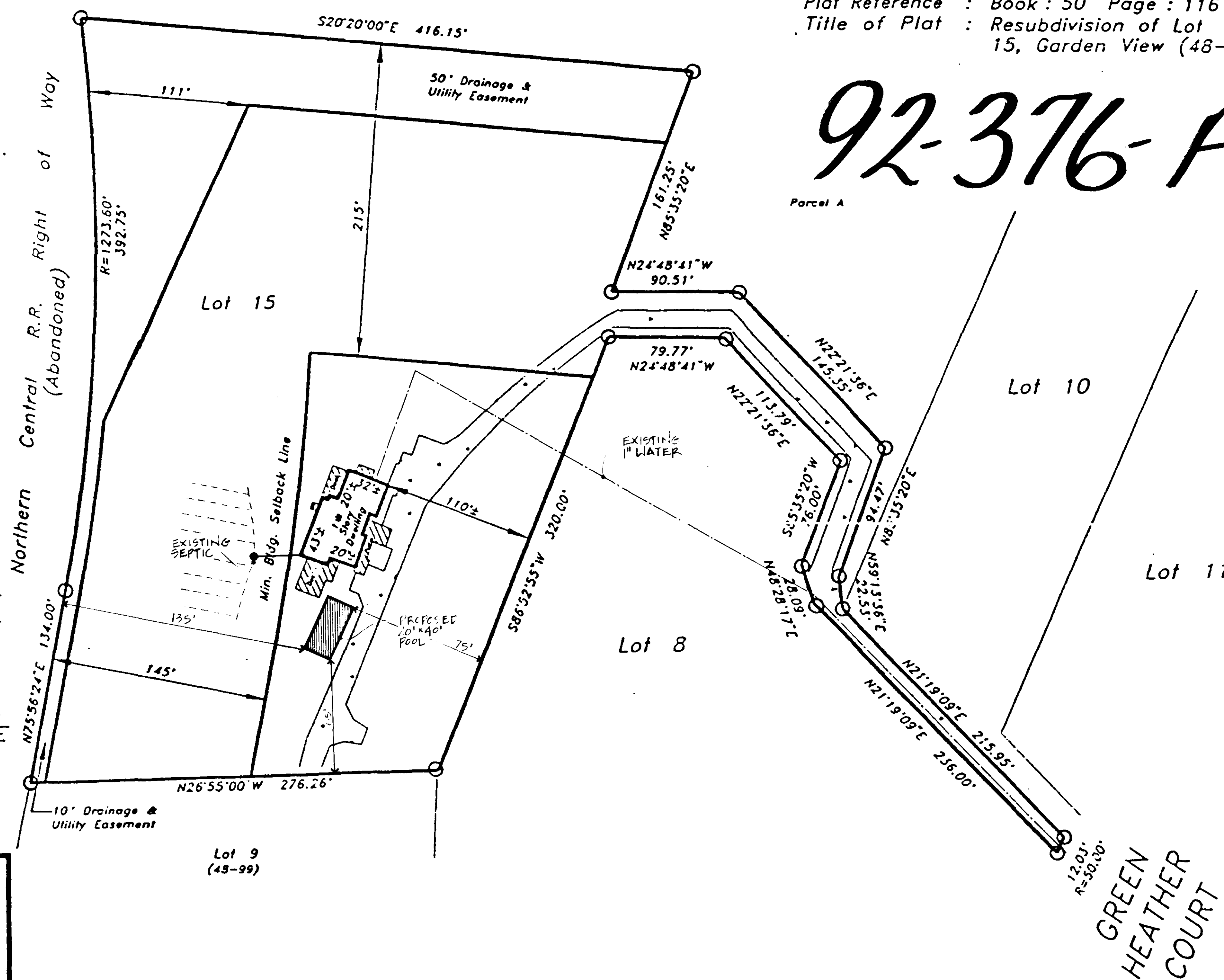


I HEREBY CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS ON THE PROPERTY KNOWN AS 11 GREEN HEATHER COURT BALTIMORE COUNTY, MARYLAND AND THE IMPROVEMENTS ARE LOCATED AS SHOWN. THIS PLAT IS NOT TO BE USED FOR THE PURPOSE OF ESTABLISHING PROPERTY LINES.

*Russell R. Klages* 10/30/90

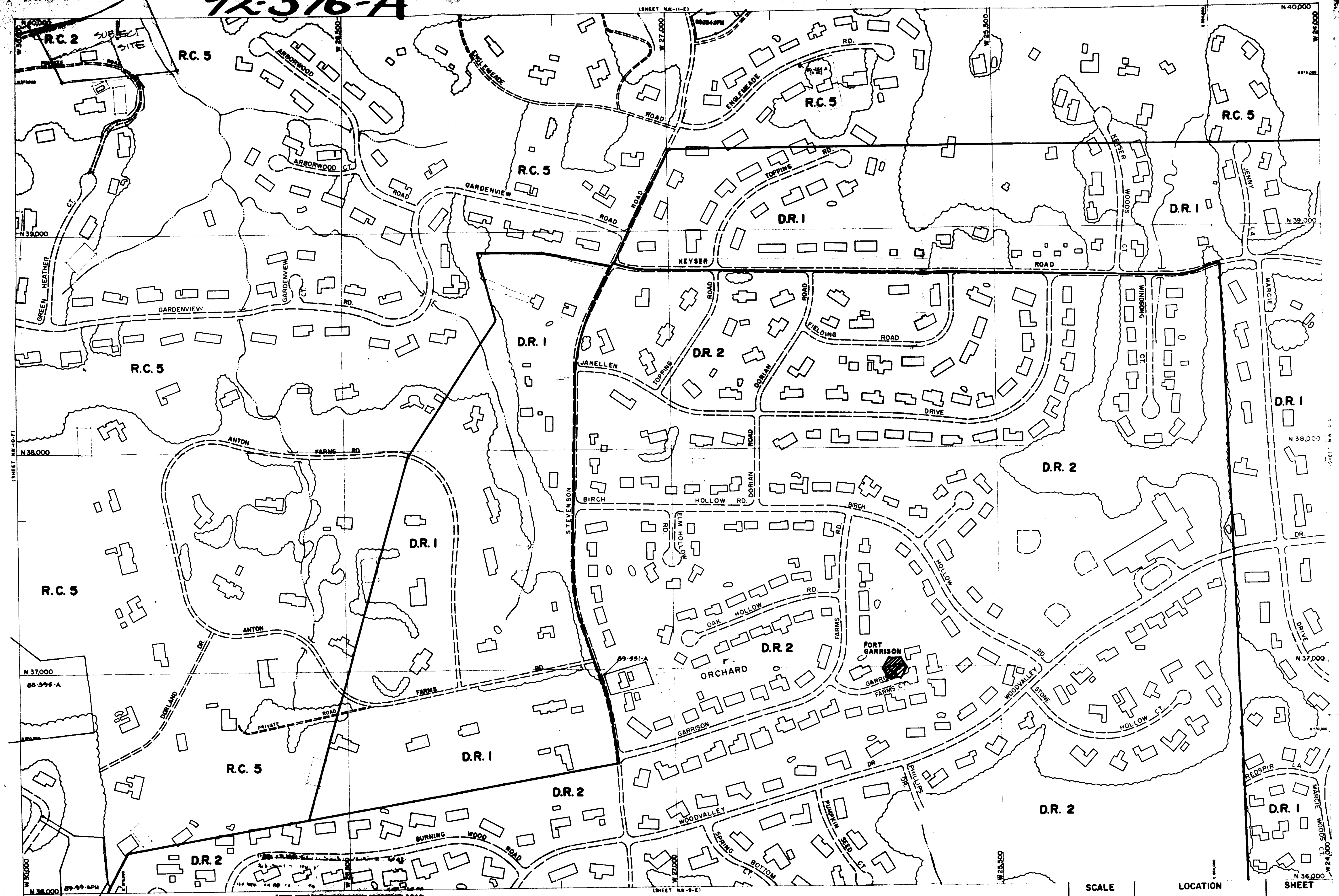
TEMPLAR ENGINEERING  
8235 RUXTON CROSSING COURT  
RUXTON, MARYLAND 21204  
(301) 823-3567

SCALE: 1" = 50'



Property Lies in Flood Zone C

92-376-A



O-NW  
S-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-KORN, INC. BALTIMORE, MD. 21210

THE COMPREHENSIVE ZONING MAP  
Approved by the Baltimore County Council  
1986

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
STEVENSON

SHEET  
N.W.  
10-E